

**CITY OF RIALTO
REGULAR MEETING
of the
CITY COUNCIL/REDEVELOPMENT AGENCY
and
RIALTO HOUSING AUTHORITY/RIALTO UTILITY AUTHORITY**

Civic Center
Council Chambers
150 South Palm Avenue
Rialto, California 92376

October 5, 2004
4:00 p.m.

AGENDA

Members of the public are afforded an opportunity to speak on any listed agenda item. Please notify the City Clerk if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto) at least 72 hours in advance of the meeting. Copies of the staff reports relating to each item on the agenda are on file in the office of the City Clerk (290 West Rialto Avenue) and are available for public inspection. Any person having a question concerning any agenda item may call the City Clerk's office to make inquiry concerning the nature of the item described on the agenda.

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the City Council only if it is considered to be a "subsequent need" or "emergency" item and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CAR 35.102-35.104 ADA Title II).

Next Ordinance No. 1361

Next Resolution No. 5162

Called to Order By: _____

ROLL CALL	Mayor Vargas	Mayor Pro Tem Wilson	Council Member Hanson	
	Council Member Sampson	Council Member Robertson	City Clerk McGee	
	City Attorney Owen	City Administrator Garcia	Time Called to Order:	

The Rialto Vision Is ...

To strive to achieve total customer satisfaction ... To be fiscally prosperous and accountable ... To be environmentally responsible ... To pursue innovative technology to meet the changing needs of our community ... To see our vision come true we must dedicate ourselves to:

VALUE THE IMPORTANCE OF THE INDIVIDUAL: People are important and will be treated with respect and leave satisfied with our efforts.

KEEP AN OPEN MIND: We choose to lead by example and respect every point of view. Community involvement is the key to our success because it allows us to be more sensitive to the needs of the community.

RECOGNIZE EXCEPTIONAL EFFORT: We invoke a spirit of pride in ourselves and excellence in our work. We will use our energy in a positive and proactive manner and strive to maximize our potential.

All items listed on this agenda are being considered and/or acted upon by the City Council on behalf of the City of Rialto, except for such items as are designated by the "RDA," which items are being considered and/or acted upon by the Agency Members of the Redevelopment Agency of the City of Rialto in its separate legal capacity. For convenience and ease of administration only, the agendas for each separate legal body have been consolidated herein.

NOTE FROM THE CITY ADMINISTRATOR —*This is the opportunity for the Mayor and City Council members to ask for additional information from staff concerning consent calendar items for the October 5, 2004 regular City Council meeting currently set for 6:00 p.m.*

CLOSED SESSION:

Motion _____
Second _____
Vote _____

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
 - (a) City of Rialto v. United States Department of Defense, et. al.
(United States District Court Case No. EDVC 04-00079)
2. Conference with Legal Counsel – anticipated litigation. The City Council will meet with its legal counsel to discuss initiating litigation pursuant to Section 54956.9, subdivision (c) of the Government Code with respect to one potential case.

6:00 p.m.

Called to Order By: _____

ROLL CALL	Mayor Vargas	Mayor Pro Tem Wilson	Council Member Hanson	
	Council Member Sampson	Council Member Robertson	City Clerk McGee	
	City Attorney Owen	City Administrator Garcia	Time Called to Order:	

PLEDGE OF ALLEGIANCE – Council Member Winnie Hanson

INVOCATION – Council Member Joe Sampson

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

1. Introduction of Officer Compton and K-9 Robbie - Police Chief Michael Meyers
2. Proclamation – National Breast Cancer Awareness Month – Mayor Grace Vargas
3. Proclamation - National Fire Prevention Week – Mayor Grace Vargas
4. District 21 Championship – Rialto Western Little League – Mayor Grace Vargas
5. Certificate of Recognition to Brother's Pizza – Mayor Grace Vargas
6. Presentation of new Fire Equipment – Fire Chief Steve Wells
7. Utility User Tax Update - Assistant City Administrator Kirby Warner
8. Code Enforcement Update – Sgt. Craig Crispin

**City Council to consider removing or continuing
any items on the agenda**

NOTICE TO THE PUBLIC

All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the following form listed. There will be no separate discussion on these items. If discussion is required, the item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.

CONSENT CALENDAR

Motion _____
Second _____
Vote _____

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

B. APPROVAL OF WARRANT RESOLUTIONS

1. Resolution No. 12 (9/17/04)
2. Resolution No. 13 (9/24/04)

C. APPROVAL OF MINUTES

1. Regular RDA/City Council and Rialto Utility Authority Meeting – June 15, 2004

D. SETTING OF PUBLIC HEARINGS

1. Request City Council to set a Public Hearing for the **November 16, 2004** City Council Meeting for the placement of liens (delinquent refuse collection accounts) against the properties shown on the attachment.

E. MISCELLANEOUS

1. Request City Council to approve the expenditures for the purchase of First Response – Terrorism Equipment.
2. Request City Council to approve a Notice of Completion for City Project No. 040805 – 2003/2004 – Street Resurfacing.
3. Request City Council to adopt **Resolution No.** _____ amending the 2004-2009 Capital Improvement Program and **Resolution No.** _____ amending its 2004-2005 fiscal budget for the purchase of a Ford Truck for the Maintenance Division in the amount of \$35,065.00.
4. Request City Council to approve the temporary waiver of Rialto Municipal Code 5.69.010B permitting only one yard sale every six months to allow participation on a Citywide Yard Sale promoting the re-use of household articles for the weekend of October 23, 2004.
5. Request City Council to approve the First Annual review of the Development Agreement with ProLogis Development Services, Inc. for the development of a 2.8 million square foot Industrial Park.
6. Request City Council to make findings of continuing the Emergency for the Acquisition of Wellhead Treatment.
7. Request City Council to make findings of continuing emergency authorized at the September 7, 2004 meeting for the Raw Sewage Clean-up & Facilities Rehabilitation at Fire Station No. 203.

PUBLIC HEARING

Request City Council/Rialto Utility Authority to conduct the Public Hearing for approval of a recycled water Ordinance establishing fees and regulations for recycled water use.

RUA RESOLUTION NO. _____

A RESOLUTION OF THE RIALTO UTILITY AUTHORITY STATING ITS CONCURRENCE IN THE RIALTO CITY COUNCIL'S SEPTEMBER 21, 2004 ORDINANCE ESTABLISHING INCENTIVES AND ENCOURAGING AND REGULATING THE USE IF RECYCLED WATER FOR THE CITY'S RECYCLED WATER DISTRIBUTION SYSTEM.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA ESTABLISHING INCENTIVES AND ENCOURAGING AND REGULATING THE USE OF RECYCLED WATER FROM THE CITY'S WATER RECYCLED WATER DISTRIBUTION SYSTEM.

(ACTION)

TAB 1

PH _____
Motion _____
Second _____
Vote _____

Motion _____
Second _____
Vote _____

Request City Council to conduct the Public Hearing to consider General Plan Amendment No. 14 and Specific Plan Amendment No. 5 to the Central Area Specific Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 14 TO THE CITY OF RIALTO 1992 GENERAL PLAN UPDATE AMENDING THE LAND USE POLICY MAP FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND THE ADOPTION OF A NEGATIVE DECLARATION.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING AMENDMENT NO. 5 TO THE CENTRAL AREA SPECIFIC PLAN TO CHANGE THE ZONING DESIGNATION ON CERTAIN PROPERTY, FROM SUPPORT COMMERCIAL (SC) TO INCREASED DENSITY RESIDENTIAL, AND THE ADOPTING A NEGATIVE DECLARATION.

(ACTION)

TAB 2

PH _____
Motion _____
Second _____
Vote _____

Motion _____
Second _____
Vote _____

PUBLIC HEARING

TAB 3

Request City Council to conduct the Public Hearing to consider and approve the City's Consolidated Annual Performance and Evaluation Report.

(ACTION)

PH _____
Motion _____
Second _____
Vote _____

Motion _____
Second _____
Vote _____

NEW BUSINESS

TAB 4

Request City Council to approve the San Bernardino County Department of Health, Animal Care and Control Contract Extension.

(ACTION)

Motion _____
Second _____
Vote _____

Request City Council to adopt **Resolution No.** _____ authorizing the Fire Department to purchase a New Fire Engine from Pierce Manufacturing in the amount of \$410,031.85.

(ACTION)

TAB 5

Motion _____
Second _____
Vote _____

Request City Council to adopt **Resolution No.** _____ accepting the Citizen Option for Public Safety (COPS) Grant for 2004/2005 and amending its 2004/2005 fiscal year budget in the amount of \$144,037.

(ACTION)

TAB 6

Motion _____
Second _____
Vote _____

Request City Council to accept the low bid submitted by Kalban, Inc. for City Rialto Project No. CB0284 and CB0285-00, repair and replacement of sidewalks, curbs, gutters, and drive approaches in the amount of \$139,808.75 and a 10% contingency amount of \$13,908.88.

(ACTION)

TAB 7

Motion _____
Second _____
Vote _____

Request City Council to approve the low proposal submitted by Hardy and Harper, Inc. for Fiscal Year 2004/2005 Street Resurfacing in the amount of \$1,065,881.72 (Measure I Funds).

(ACTION)

TAB 8

Motion _____
Second _____
Vote _____

NEW BUSINESS

TAB 9

Request City Council to adopt **Ordinance No.** _____ to adjust the Councilmanic salary.

Motion _____

Second _____

Vote _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 12.21.040 OF THE RIALTO MUNICIPAL CODE ADJUSTING COUNCILMANIC SALARIES WITHIN THE CITY OF RIALTO

(ACTION)

UNFINISHED BUSINESS

TAB 10

Request City Council/Redevelopment Agency to conduct the joint public hearing regarding the proposed Second Amendment to the Redevelopment Plan for the Merged Agua Mansa, Central Business District, Gateway, and Industrial Redevelopment Projects; adopt **Resolution No.** _____ adopting written findings and responses to comments or objections received; adopt **RDA Resolution No.** _____ certifying the completion of a Mitigated Negative Declaration and approving the second Amend Member to the Redevelopment Plan for the Merged Agua Mansa, Central Business District, Gateway and industrial Redevelopment Projects; adopt **Resolution No.** _____ approving the Mitigated Negative Declaration for the Second Amendment to the Redevelopment Plan for the Merged Rialto Redevelopment Projects; and waive the first reading and pass to second reading of **Ordinance No.** _____ adopting the Second Amendment to the Redevelopment Plan for the Merged Agua Mansa, Central Business District, Gateway, and Industrial Redevelopment Projects.

Motion _____

Second _____

Vote _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADOPTING THE SECOND AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE MERGED AGUA MANSA, CENTRAL BUSINESS DISTRICT, GATEWAY AND INDUSTRIAL REDEVELOPMENT PROJECTS

(ACTION)

ORAL COMMUNICATIONS

(5-Minute Time Limit)

1.

2.

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT

Motion _____

Second _____

Vote _____

TIME: _____